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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

STEPHEN ROBERTS,

Defendant and Appellant.

C082204

(Super. Ct. No. 15F03941)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

We briefly recount the facts and procedural history in accordance with *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.

At a motorcycle club party on July 20, 2015, defendant Stephen Roberts argued with a woman, S.S., after he tried to hug her and she rebuffed him. Later, S.S. argued with defendant's spouse and defendant hit S.S. in the head with a pistol, causing her to

fall to the ground. S.S. was taken to a hospital where she received seven stitches to close a wound. She suffered ongoing pain and memory loss. When shown a photo lineup, she identified defendant as the person who had struck her in the head.

Defendant entered a negotiated plea of no contest to assault with a firearm (Pen. Code, § 245, subd. (a)(2))¹ and admitted a prior strike conviction [criminal threats (§ 422)] within the meaning sections 667, subdivisions (b) through (i), and 1170.12, in exchange for a stipulated eight-year prison term and dismissal of the remaining counts (assault by means of force, assault with a deadly weapon, witness intimidation, and convicted felon in possession of a firearm) and allegations (personal infliction of great bodily injury, personal use of a firearm).

After denying defendant's motion to withdraw his plea, the court sentenced defendant to state prison for the upper term of four years, doubled for the strike prior, for a total term of eight years.

The trial court granted defendant's request for a certificate of probable cause. (§ 1237.5.)

WENDE REVIEW

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we have received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

¹ Undesignated statutory references are to the Penal Code in effect at the time of the charged offenses.

DISPOSITION

The judgment is affirmed.

s/MURRAY, J.

We concur:

s/BUTZ, Acting P. J.

s/RENNER, J.